

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

The City Council convened in Regular Session on Tuesday, January 6, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Jerry Reese, presiding, and the Honorable Mayor Patricia M. York and Members of the Council present as follows: Dave Beckering, Erv Ermeling, Michael Klinghammer, Bob Kneemiller, Larry Muench, Ron Stivison, and Richard Veit. Absent: Laurie Feldman and Michael Weller. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.

File #47000

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by RICHARD VEIT to excuse the absences of Councilmember Laurie Feldman and Councilmember Michael Weller. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

PUBLIC HEARINGS/ADMINISTRATIVE HEARINGS

The President of the Council Jerry Reese announced that the following Public Hearings would now be held. At the conclusion of the hearings, the Regular Session continued with the order of business:

- A. Case No. CU-31-08. (OOS Investments). The applicant is requesting approval of a conditional use permit from Section 156.743 (Billboards) within the C-2 General Business District for the construction of a digital billboard at 1410 South Fifth Street. The subject property is 5.01 acres and is located in Ward Two. *(Public Hearing should be tabled pending decision by Board of Adjustment on requested variance)*
- B. Case No. CU-30-08. (Big St. Charles Motorsports, LLC) An application for a conditional use permit for automotive sales, display and repair, specifically relative to motorcycles, ATV's, etc, from Section 156.034(C)(1)(a) at 3830 West Clay Street in the C-3 Highway Business District. The subject property is 4.96 acres and is located in Ward Six. *(Tabled to the January Planning & Zoning Commission Meeting; therefore, the Public Hearing should be tabled until February 3, 2009)*
- C. Case No. CU-35-08. (August Hurst). The applicant is requesting approval of a conditional use permit from Section 156.035(C)(1)(a) within the I-1 Light Industrial District for vehicle, boat and recreational vehicle (RV) sales and storage at 4125 Elm Point Road. The subject property is 6.45 acres and is located in Ward Eight. *(Tabled to the January Planning & Zoning Commission Meeting; therefore, the Public Hearing should be tabled until February 3, 2009)*
- D. Case No. CU-36-08. (Stallion Group, LLC). The applicant is requesting approval of a conditional use permit from Section 156.033(C)(1)(e) within the C-2 General Business District for Vehicle Sales, specifically sales of Semi Tractors, at 3690 West Clay Street. The subject property is 1.54 acres and is located in Ward Six. *(RCA Attached)*

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

-
- E. Case No. CU-37-08. (Enterprise Rent-A-Car). The applicant is requesting approval of a conditional use permit from Section 156.033(C)(1)(e) within the C-2 General Business District for Vehicle Sales, specifically to change the use from car rentals to car sales at 3725 Veterans Memorial Parkway. The subject property is 0.52 acres and is located in Ward Six. ***(RCA Attached)***
- F. Case No. Z-16-08. (Edward Rose Properties, Inc.). An application to rezone two tracts of land located at the northern corner of the intersection of Friedens Road, Arena Parkway and South River Road from the R-1E Single-Family Residential District and PD-MU Planned Development – Multi-Use to the R-3A Multiple Family Residential District. The fifteen (15) acre R-1E parcel is known as 1875 South River Road and the PD-MU zoned property, immediately adjacent to the west, is a five (5) acre portion of the Talbridge Planned Development. (Ward 3) ***(Tabled to the January Planning & Zoning Commission Meeting; therefore, the Public Hearing should be tabled until February 3, 2009)***
- G. Case No. Z-17-08. (Edward Rose Properties, Inc.). An application to rezone two tracts of land located at the northern corner of the intersection of Friedens Road, Arena Parkway and South River Road from the R-3A Multiple Family Residential District to the PD-R Planned Development-Residential District. In conjunction with the rezoning, the Commission will consider a preliminary development plan for the property. The preliminary development plan proposes the construction of twelve (12) multi-family structures with a total of two-hundred fifty-two (252) units. Associated parking, clubhouse and outdoor recreation are also depicted in the plan. The subject parcels total approximately twenty (20) acres. (Ward 3) ***(Tabled to the January Planning & Zoning Commission Meeting; therefore, the Public Hearing should be tabled until February 3, 2009)***
- H. Case No. Z-18-08. (John Johnston). An application to rezone a parcel of land in the process of annexing into the City. The property is located at 1722 South River Road. The applicant is requesting to rezone the property from the County A Agricultural to the City R-1E Single Family Residential. The property, located along the south side of S. River Road, contains approximately 0.78 acres. The subject property will be located in Ward 3 upon annexation. ***(Council Bill 9846)***

RESOLUTIONS/AWARDS/PROCLAMATIONS

Recognition of Donovan Kenton on Graduation from the FBI Academy

Police Chief Dennis Corley gave an explanation of the FBI Academy, including the selection process for admittance to the Academy. Councilmember Ron Stivison, on behalf of the City Council, presented Donovan Kenton with a Certificate of Recognition on his graduation from the FBI Academy. Donovan Kenton thanked the City for the opportunity to attend the Academy.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

Appreciation of Main Street Merchants for the City's Support During the Holiday Shopping Season

Rhonda Dyer, Thistle and Clover, 407 South Main Street, spoke on behalf of the Main Street Merchants, and expressed their appreciation to the City, in particular Director of Convention & Visitors Bureau Director David Rosenwasser, for the support provided during the Holiday Shopping Season. Mr. Rosenwasser thanked the merchants for the recognition.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Item 8.G.1. Approval of Liquor License Application for Rudge Gilman dba Uncle Joe's Bar & Grill Located at 204 North Main Street

Travis Summers, 1070 Treeshade Drive, St. Peters, Missouri, spoke on behalf of the Applicant in favor of the liquor license for Uncle Joe's Bar & Grill located at 204 North Main Street.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Oktoberfest Committee

Dan Foust, 101 Huntington Park, provided a report on the 2008 Oktoberfest; and requested that the members of the 2008 Committee be reappointed for the Oktoberfest 2009.

BILLS FOR FINAL PASSAGE

Bill 9830

An Ordinance Authorizing the Mayor and City Clerk to Execute a Fee Simple Deed (Gerald R. Wilson – 835 Cunningham) (*Sponsor: Larry Muench*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Klinghammer

"Nay": None

Absent: Weller and Feldman

Approved by the Honorable Mayor on January 7, 2009 and is known as **Ordinance 09-01**

Bill 9831

An Ordinance Authorizing a Contract with the Missouri Safety Center and University of Central Missouri to Provide Reimbursement to the City of St. Charles for the DWI (YD&DYL) Enforcement Wave Campaign for the Period of December 8, 2008 Through September 7, 2009 (*Sponsors: Jerry Reese and Richard Veit*)

Passed "Aye": Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Klinghammer

"Nay": None

Absent: Weller and Feldman

Approved by the Honorable Mayor on January 7, 2009 and is known as **Ordinance 09-02**

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

Bill 9832

An Ordinance Authorizing Change Order No. 2 to the Contract with Broyles Lawn Care Services for Additional City-Wide Mowing Services in an Amount of \$5,286.66, for a Total Contract Amount Not to Exceed \$101,586.66 (*Sponsor: Jerry Reese*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Klinghammer

“Nay”: None

Absent: Weller and Feldman

Approved by the Honorable Mayor on January 13, 2009 and is known as **Ordinance 09-05**

Bill 9833 (Substitute Bill No. 1)

An Ordinance Amending Chapter 73 of the Code of Ordinances of the City of St. Charles, Missouri by Adding a New Section, to be known as Section 73.41, Pertaining to Commercial Deliveries in the Historic Downtown District (*Sponsors: Michael Klinghammer and Richard Veit*)

A separate vote was taken on Council Bill 9833, with the following results:

Passed “Aye”: Muench, Reese, Stivison, Veit, Beckering, Klinghammer, and Kneemiller

“Nay”: Ermeling

Absent: Weller and Feldman

Approved by the Honorable Mayor on January 7, 2009 and is known as **Ordinance 09-03**

Bill 9834

An Ordinance Authorizing a Memorandum of Understanding Between the City of Saint Charles and Saint Charles County to Participate in the First Med Program to Provide Public Health Services During a Public Health Emergency (*Sponsor: Jerry Reese*)

Passed “Aye”: Kneemiller, Muench, Reese, Stivison, Veit, Beckering, Ermeling, and Klinghammer

“Nay”: None

Absent: Weller and Feldman

Approved by the Honorable Mayor on January 7, 2009 and is known as **Ordinance 09-04**

BILLS FOR INTRODUCTION

The following Council Bills were introduced:

Bill 9835 (Amended)

An Ordinance Amending Chapter 31 of the Code of Ordinances by Creating a New Section to be Known as Section 31.12 Pertaining to Written City Communications (*Sponsors: Jerry Reese, Dave Beckering, Michael Weller, and Bob Kneemiller*)

Councilmember Richard Veit requested that his name be added as a sponsor. A motion was made by RICHARD VEIT to amend Council Bill 9835, by amending Section 31.12 of the City Code, to add the language “via mail” in between the words “distributed” and “on a city-wide basis”; and to

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

add the language "except this section shall not apply to any official act pursuant to Chapter 41 of the Code of Ordinances" at the end of the section. DAVE BECKERING seconded the motion. Discussion was held relative to the motion. A roll call vote was taken, with the following results: "Aye": Reese, Stivison, Veit, Beckering, Ermeling, Klinghammer, Kneemiller, and Muench. "Nay": None. Absent: Weller and Feldman. Motion passed.

Bill 9836

An Ordinance Repealing Ordinance No. 08-94 and Enacting a New Ordinance Authorizing the Establishment of Checking Accounts with Commerce Bank, N.A., and Designating Persons Authorized to Sign Checks (*Sponsor: Jerry Reese*)

Bill 9837

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2010 Amateur Sports Marketing Grant (July 1, 2009 thru June 30, 2010) and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

Bill 9838

An Ordinance Authorizing the Filing of an Application with the Missouri Division of Tourism, Cooperative Marketing Program, for the FY 2010 Convention Marketing Grant (July 1, 2009 thru June 30, 2010) to Market St. Charles as a Visitor/Meeting/Convention Destination and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Ron Stivison*)

Bill 9839

An Ordinance Approving the Record Plat for East Hiram Street Condominiums Plat Seven, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9840

An Ordinance Approving the Record Plat for East Hiram Street Condominiums Plat Two-A, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9841

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Ten, a Subdivision of the City of Saint Charles, Missouri (*Sponsor: Michael Klinghammer*)

Bill 9842 (*Referred to the Council Work Session Scheduled for February 10, 2009*)

An Ordinance Authorizing the Acceptance of the Provisional Streets in Chateau Country Club Subdivision as City Streets (*Sponsor: Laurie Feldman*)

A request was made by Councilmember Michael Klinghammer that the cost to bring the streets up to City standards be provided prior to voting on Council Bill 9842. A motion was made by

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

RICHARD VEIT to refer Council Bill 9842 to the Council Work Session scheduled for February 10, 2009. RON STIVISON seconded the motion. All voted in favor, motion passed. Councilmember Bob Kneemiller requested that the following items be provided for discussion at the Council Work Session: 1) how the streets within Chateau Country Club Subdivision are not up to City Standards, i.e., width, etc.; 2) how the streets within Chateau Country Club Subdivision rate on our city rating scale; 3) are all residents of Chateau Country Club Subdivision City residents; 4) the year in which Chateau Country Club Subdivision was built; and 5) how many streets within the City are private streets and/or provisional streets.

Bill 9843

An Ordinance Authorizing an Initial Funding Agreement Between the City of St. Charles, Missouri and Mid-Rivers Plaza, L.L.C. (*Sponsor: Larry Muench*)

Bill 9844

An Ordinance Authorizing an Agreement with the City of St. Charles, Missouri and Local 757 of the International Association of Firefighters (*Sponsors: All Members of the City Council*)

Bill 9845

An Ordinance Authorizing an Agreement with the City of St. Charles, Missouri and Local Number 148, AFL-CIO Operating Engineers (*Sponsors: All Members of the City Council*)

Bill 9846

An Ordinance Rezoning to City Zoning District R-1E (Single-Family Residential District) from County Zoning District A (Agricultural District), a Parcel of Land Located at 1722 South River Road (*Sponsor: Laurie Feldman and Larry Muench*)

Bill 9847

An Ordinance Authorizing a Cooperation Agreement with the Elm Point Levee Association Pertaining to Matching Funds Needed to Obtain a Federal Grant for Levee Rehabilitation in an Amount Not to Exceed \$158,354 (*Sponsor: Michael Klinghammer*)

Bill 9848

An Ordinance Authorizing a Contract with Plante & Moran, PLLC to Provide Consulting Services in an Amount Not to Exceed \$115,000 (*Sponsor: Michael Weller, Bob Kneemiller, Larry Muench, and Jerry Reese*)

Bill 9849

An Ordinance Authorizing the Filing of an Application with the Missouri Department of Economic Development Through the Missouri Community Development Block Grant Program for the 2008 Disaster Grant, and to Sign All Necessary Documents to Accept and Receive Said Grant (*Sponsor: Michael Klinghammer*)

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

CONSENT AGENDA

A motion was made by DAVE BECKERING to receive and approve the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the following results: "Aye": Stivison, Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, and Reese. "Nay": None. Absent: Weller and Feldman. Motion passed.

A. Approval of Council Minutes

1. Special Council Meeting of December 9, 2008
2. Regular Council Meeting of December 16, 2008
3. Administrative Hearing of December 16, 2008

File #47001

B. Approval of Council Committee Reports

1. Approval of Council Committee Minutes

- a. Finance & Audit Committee Meeting of December 9, 2008

File #46776

- b. Council Work Session of December 9, 2008

File #46725

- c. Fire Station Design Team Committee Meeting of December 16, 2008

File #47002

- d. Council Work Session of December 16, 2008

File #46725

- e. Fire Station Design Team Committee Meeting of December 17, 2008

File #47002

- f. Fire Station Design Team Committee Meeting of December 29, 2008

File #47002

2. Approval of Council Committee Motions/Actions/Recommendations

- a. Finance & Audit Committee Meeting of December 9, 2008 *(None)*
- b. Council Work Session of December 9, 2008 *(None)*
- c. Fire Station Design Team Committee Meeting of December 16, 2008
 - i. Michael Klinghammer selected as Chairperson
- d. Council Work Session of December 16, 2008 *(None)*
- e. Fire Station Design Team Committee Meeting of December 17, 2008 *(None)*
- f. Fire Station Design Team Committee Meeting of December 29, 2008
 - i. Motion that the design parameters for the new Fire Station should include an EOC/Community Room and a separate training room to accommodate a minimum of 45 people

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

- C. Receipt of Reports from Boards, Commissions or Committees
1. Board of Adjustment Meeting of December 1, 2008
File #46735
2. Bicentennial Meeting of October 22, 2008
- a. Motion to make "200 Years...the Expedition Continues" as the theme
- b. Motion to have a professional company design the logo
File #46960
3. Bicentennial Meeting of November 12, 2008
File #46960
4. Human Relations Commission Meeting of October 2, 2008
File #47003
5. Human Relations Commission Meeting of November 6, 2008
- a. Election of Officers, as follows:
- i. Chairperson – Pamela Coaxum
- ii. Vice Chairperson – Patricia Porterfield
- iii. Secretary/Treasurer – Mary Harrison
File #47003
6. Youth Advisory Commission Meeting of November 13, 2008
File #46736
7. St. Charles Park & Recreation Board Meeting of November 19, 2008
File #46760
8. St. Charles Park & Recreation Board Work Session of December 3, 2008
File #46760
9. Planning and Zoning Commission Meeting of November 17, 2008
File #46762
- D. Receipt of Reports of the Director of Administration
1. Notice of Emergency Purchases
File #47004
- E. Approval of Contracts and Easements from \$30,001 - \$99,999
None
- F. Preliminary Plats
None
- G. Miscellaneous
1. Approval of Liquor License Application for Rudge Gilman dba Uncle Joe's Bar & Grill Located at 204 North Main Street
File #47005

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

REPORT OF THE MAYOR

Appointments to Boards/Commissions

A motion was made by LARRY MUENCH to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Cable TV Commission: Reappointment of Bill Gaines and Michael Barfield for three-year terms ending in December, 2011.

Special Business District Advisory Board: Reappointment of Karen House and James Unger for three-year terms ending in November, 2011.

and to acknowledge the following appointments which do not require Council confirmation:

Housing Authority: Reappointment of Patrick Pryor and Melanie McIlroy for four-year terms ending in December, 2012.

DAVE BECKERING seconded the motion. A roll call vote was taken, with the following results: "Aye": Veit, Beckering, Ermeling, Klinghammer, Kneemiller, Muench, Reese, and Stivison. "Nay": None. Absent: Weller and Feldman. Motion passed.
File #47006

Written and/or Verbal Messages from the Mayor

Citizen Police Academy. The Honorable Mayor Patricia M. York announced that the eight-week Citizen Police Academy commences on Wednesday, January 21, 2009.

Fete de Glace. The Honorable Mayor Patricia M. York announced the Fete De Glace (Ice Carving) Festival will be held on North Main Street on Saturday, January 31, 2009.

Allied Waste Calendar. The Honorable Mayor Patricia M. York announced that the Allied Waste Calendars have been mailed to all residents.

Memorial Service for Vince Schneider. The Honorable Mayor Patricia M. York announced that the Memorial Service for Vince Schneider will be held on Thursday, January 8, 2009, at 11:00 a.m. at St. Charles Borromeo.

ANNOUNCEMENTS FROM COUNCILMEMBERS/MISCELLANEOUS

Establishment of a Committee to Discuss Construction of a Pavilion in Frontier Park

President of the Council Jerry Reese proposed that a Council Ad Hoc Committee be established to discuss the construction of a pavilion in Frontier Park consisting of the following members: Chairperson Dave Beckering; Councilmembers Larry Muench, Erv Ermeling, and Richard Veit; Mayor Patricia M. York; one member from each ward; three members representing Main Street; three members to be appointed by the Mayor; and one member to be a Parks & Recreational Department Employee. It was the consensus of the Councilmembers to proceed with establishment of the Frontier Park Pavilion Council Ad Hoc Committee.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

Discussion Relative to Snow Removal

Director of Administration Michael Spurgeon provided an update on the issue brought up at the December 16, 2008, Regular Council Meeting relative to the shortage of salt; stating that the Public Works Department has found a source from which to purchase salt. Director of Public Works Debra Aylsworth gave an update on the contract with DBK Salt Supply to purchase 2,000 tons of salt..

Update on Elm Street Reconstruction Project

Councilmember Michael Klinghammer gave an update on the Elm Street Reconstruction Project. Councilmember Klinghammer stated that there have been several incidents on northbound Elm at Ken Drive wherein vehicles have hit the curb; and requested that the Public Works Department look at the situation.

File #47007

Update and Status Report on the Emergency Creek Projects

Councilmember Bob Kneemiller requested that the Public Works Department provide a monthly status report on the Emergency Creek Projects; and Public Works Director Debra Aylsworth provided the January 2009 status report. Councilmember Bob Kneemiller requested that the status report be provided in paper to the Councilmembers, in addition to placing the report on the computer disc.

File #47008

Update on Filling the Vacant Position of City Engineer

Upon the request of Councilmember Bob Kneemiller, Director of Administration Michael Spurgeon provided an update on filling the vacant position of City Engineer.

Discussion Relative to Implementation of the Solid Waste & Recycling Contract with Allied Waste Effective January 1, 2009

Discusison was held relative to implementation of the new Solid Waste & Recycling Contract with Allied Waste. Allied Waste Representative Tony Lamantia was present and responded to various inquiries regarding the recent change in the trash pick-up schedules. Councilmember Bob Kneemiller voiced concern with Allied Waste's failure to pick-up trash/recycling and requested that the Legal Department review the contract to determine whether liquidated damages would apply. Councilmember Bob Kneemiller requested that the Legal Department review the contract with Allied Waste and respond to the following inquiries: 1) whether Allied Waste can charge a \$25.00 fee for return of a recycling container; and 2) whether Allied Waste can refuse to collect recycling placed at the curb in the 18 gallon containers.

Written and/or Verbal Messages from the Councilmembers

Thanks to Public Works Department Employees. Councilmember Erv Ermeling thanked the Public Works Department Employees for their performance on the following: a) water break on Sibley; and b) fixing the collapsed portion of Principia Street.

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
January 6, 2009

Air Products. Councilmember Bob Kneemiller announced that there was a recent article in the newspaper relative to Air Products; and thanked the City Staff for their efforts in recruiting Air Products.

The Regular Council Meeting was adjourned at 9:00 p.m.

January 20, 2009
Date Approved
Marilyn K. McCoy
City Clerk

Jerry Reese
Jerry Reese, Presiding Officer